



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Secretary Of State TITLE-SERIES: 153-43
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 153-43 Regulation of Political Party Headquarters Finances

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code 3-8-2c

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Secretary of State has authority to provide for the procedures, requirements, and activities of political party headquarters finances. With the passage of HB 2688 (2021), this Rule required amendment to include county political party campaign headquarters financing.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2021

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The amendment simply updates W. Va. Code references and adds county political party campaign headquarter financing provisions to the existing state-level provisions.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Passage of HB 2688 (2021).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/a.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/a.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/a.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/a.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Donald Kersey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 43
REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCES

§153-43-1. General.

1.1. Scope. -- This rule clarifies and provides for implementation of state law relating to the regulation of political party headquarters finance, reporting requirements and prohibited activities set forth under W. Va. Code § 3-8-2c.

1.2. Authority. -- W. Va. Code § 3-8-2c.

1.3. Filing Date. -- ~~May 14, 2013.~~

1.4. Effective Date. -- ~~May 14, 2013.~~

1.5. Sunset Provision. -- This Rule shall terminate and have no further force or effect on [DATE].

§153-43-2. Definitions.

For purposes of this rule, the following definitions apply:

2.1. "Filing period" is a quarterly date when a financial report is required by § section 6 of this rule. The first report shall be filed ~~on~~ between January ~~31~~ 1 and 7, April ~~30~~ 1 and 7, July ~~31~~ 1 and 7, and October ~~31~~ 1 and 7, next following receipt of a contribution, or making of expenditure, in excess of \$250 in the aggregate.

2.2. "Party headquarters committee" or "Committee" as used in this rule is a political headquarters committee provided for and as defined in W. Va. Code §3-8-2c(a)(3) and 3-8-2C(b) includes any person, organization or group of persons, including a state or county executive committee, who solicit or receive contributions for the purpose of funding the lease, purchase, construction or financing of the lease, purchase or construction of a party headquarters, including utilities, maintenance, furniture, fixtures and equipment for the party headquarters.

2.3. "Obligated" is expenditures contracted to be paid at some later date.

§153-43-3. Contributions.

3.1. May be made by any individual, corporation, partnership, committee, or association and any other organization or group of individuals.

3.2. Limitations on sources of contributions are as determined in 146 CSR 3, §5.

3.3. Contributions to a committee, either in-kind or monetary, are independent of, and not included in, other aggregate total contribution limitations of ~~Article 8, Chapter 3, of the~~ W. Va. Code § 3-8-1 et seq.

3.4. Contributions may not be anonymous. Anonymous contributions which cannot be returned because the donor cannot be identified shall be donated to the General Revenue Fund.

3.5. Cash contributions from any one contributor may not total more than \$50 in United States or other

country currency.

3.6. All contributions must be deposited and maintained in an account separate from any other accounts maintained by the committee, political party, treasurer, agent, or other person acting in behalf of the committee.

§153-43-4. Contribution Limitations.

4.1. No individual, or other identity listed in Section 3.1, may contribute more than \$10,000 in the aggregate.

4.2. The committee may not receive contributions of more than \$1,000,000 in the aggregate.

§153-43-5. Lawful Expenditures.

5.1. Contributions may be expended for purchase, construction or lease of the state headquarters of a political party.

5.2. Contributions may be expended for utilities, maintenance, furniture, fixtures and equipment

5.3. Contributions may not be used for satellite offices or expenditures related to satellite offices.

5.54. Contributions may not be used for political purposes.

§153-43-6. Contribution and Expenditures Reporting.

6.1. A committee, financial agent or other person or officer acting in behalf of a committee, must file a financial report in the filing period in which the committee first receives any contributions, or makes or obligates any expenditure, totaling \$250 in the aggregate.

6.2. Once an initial report has been filed in accordance with ~~§Section~~ 6.1, additional reports must be filed each reporting period thereafter until the committee is terminated. The report must be filed even if no contribution has been received, or expenditure made, during the filing period.

6.3. Reports may be filed electronically.

6.4. Reports are to be verified.

6.5. Reports are to be on forms prescribed by the Secretary of State.

§153-43-7. Registration and Termination of Committee; Disposal of Excess Funds.

7.1. Before accepting any contribution or obligating any expenditure, the committee must register with the Secretary of State providing all information required by W. Va. Code §3-8-2c(f)(2)(A).

7.2. A Committee may terminate by filing a notice with the Secretary of State after all obligations have been met and all monies have been distributed.

7.3. Before terminating the committee, any unspent or unobligated funds may be contributed by the committee to any educational, cultural or charitable organization.